

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2994 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

SURYAKANT R PATEL

Versus

STATE OF GUJARAT

Appearance:

MR BHARAT T RAO for Petitioner
MS BR GAJJAR AGP for Respondent No. 1
MR BS PATEL for Respondent No. 3

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 25/04/2000

ORAL JUDGEMENT

I have heard Mr. P.J.Vyas, learned counsel
appearing on behalf of the petitioner and Ms.
B.R.Gajjar, learned Assistant Government Pleader
appearing on behalf of respondent nos. 1 and 2. None

appears for the petitioner. The present application has been filed challenging the order of removal of the petitioner from the post of Sarpanch. The petitioner was elected as Sarpanch of Utraj Gram Panchayat, Tal. Sinor, Dist. Baroda in the year 1986. The tenure of the Sarpanch is for a period of five years. On 9/11/1987, the petitioner was removed from the post of Sarpanch. Having felt aggrieved by the order, the petitioner filed an appeal before the Appellate Authority but the Appellate Authority rejected his appeal and confirmed the order of removal by his order dt. 30th December, 1988. Against the order passed by the Appellate Authority, the petitioner has filed the present writ petition challenging the order of the Appellate Authority. After filing of the writ petition, ad-interim order was passed directing the respondents not to remove the petitioner from the post of Sarpanch. It appears that the term of the Sarpanch is for a period of five years and the petitioner was elected in the year 1986, and therefore, his term has already expired long back. Consequently, I am of the opinion, that the writ petition has become infructuous. Accordingly the writ petition is dismissed. Rule is discharged. I make no order as to costs.

Date:25/4/2000. (P.K.SARKAR, J.)

ccshah